

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CANDACE TYLER,

Plaintiff,

v.

CITY OF MCKEESPORT,

Defendant.

Civil Action No. 2:22-cv-01092-CCW

Judge Christy Criswell Wiegand

DEFENDANT'S ANSWER TO COMPLAINT

Defendant, City of McKeesport (“McKeesport” or “Defendant”), by and through its attorneys, Pietragallo Gordon Alfano Bosick & Raspanti, LLP, hereby answers Plaintiff’s Complaint (“Complaint”) as follows:

A. Preliminary Statement

1. Defendant admits that the Plaintiff intends to bring an action under Title VII of the Civil Rights Act and the Pennsylvania Human Relations Act (“PHRA”), but denies that it has violated those statutes in any way.

B. Jurisdiction

2. Defendant admits the allegations contained in Paragraph 2 the Complaint.
3. Defendant admits the allegations contained in Paragraph 3 the Complaint.
4. Defendant admits the allegations contained in Paragraph 4 the Complaint.
5. Defendant admits the allegations contained in Paragraph 5 the Complaint.

C. The Parties

6. Defendant admits the allegations contained in Paragraph 6 the Complaint.
7. Defendant admits the allegations contained in Paragraph 7 the Complaint.
8. Defendant admits the allegations contained in Paragraph 8 the Complaint.
9. Defendant admits the allegations contained in Paragraph 9 the Complaint.

D. Factual Background

10. Defendant admits the allegations contained in Paragraph 10 the Complaint.
11. Defendant admits the allegations contained in Paragraph 11 the Complaint.
12. Defendant denies the allegations contained in Paragraph 12 of the Complaint.
13. Defendant admits the allegations contained in Paragraph 13 the Complaint.
14. Defendant denies the allegations contained in Paragraph 14 of the Complaint.
15. Defendant denies the allegations contained in Paragraph 15 of the Complaint.
16. Defendant denies the allegations contained in Paragraph 16 of the Complaint.
17. Defendant denies the allegations contained in Paragraph 17 of the Complaint.
18. Defendant denies the allegations contained in Paragraph 18 of the Complaint.
19. Defendant denies the allegations contained in Paragraph 19 of the Complaint.
20. Defendant denies the allegations contained in Paragraph 20 of the Complaint.
21. Defendant denies the allegations contained in Paragraph 21 of the Complaint.
22. Defendant denies the allegations contained in Paragraph 22 of the Complaint.
23. Defendant denies the allegations contained in Paragraph 23 of the Complaint.
24. Defendant denies the allegations contained in Paragraph 24 of the Complaint.
25. Admitted in part and denied in part. Defendant admits police reports were filed, but denies the remaining allegations contained in Paragraph 25 of the Complaint.

26. Admitted in part and denied in part. Defendant admits that a Loudermill hearing was held on October 15, 2021 and on October 19, 2021, that Plaintiff's employment was terminated, and that the termination letter stated in part as noted in the Answer. Defendant denies the remaining allegations contained in Paragraph 26 of the Complaint.

27. Defendant denies the allegations contained in Paragraph 27 of the Complaint.

28. Defendant denies the allegations contained in Paragraph 28 of the Complaint.

29. Defendant denies the allegations contained in Paragraph 29 of the Complaint.

30. Defendant denies the allegations contained in Paragraph 30 of the Complaint.

31. Defendant denies the allegations contained in Paragraph 31 of the Complaint.

32. Defendant denies the allegations contained in Paragraph 32 of the Complaint.

33. Defendant denies the allegations contained in Paragraph 33 of the Complaint.

34. Defendant denies the allegations contained in Paragraph 34 of the Complaint.

35. Defendant denies the allegations contained in Paragraph 35 of the Complaint.

FIRST CAUSE OF ACTION

36. Defendant incorporates its answers to Paragraphs 1 through 35 as though set forth at length herein.

37. Defendant admits the allegations contained in Paragraph 37 the Complaint.

38. Defendant admits the allegations contained in Paragraph 38 the Complaint.

39. Defendant denies the allegations contained in Paragraph 39 of the Complaint.

40. Defendant denies the allegations contained in Paragraph 40 of the Complaint.

41. Defendant denies the allegations contained in Paragraph 41 of the Complaint.

42. Defendant denies the allegations contained in Paragraph 42 of the Complaint.

WHEREFORE, Defendant requests judgment in its favor and against Plaintiff.

SECOND CAUSE OF ACTION

43. Defendant incorporates its answers to Paragraphs 1 through 42 as though set forth at length herein.

44. Defendant denies the allegations contained in Paragraph 44 of the Complaint.

WHEREFORE, Defendant requests judgment in its favor and against Plaintiff.

Additional Defenses

45. Plaintiff fails to state a claim upon which relief may be granted.

46. Plaintiff has failed to mitigate her damages, if any.

47. Plaintiff was terminated for legitimate non-discriminatory reasons.

48. Plaintiff has failed to exhaust her administrative remedies with respect to all claims.

49. Some of Plaintiff's claims may be barred by the collective bargaining agreement.

WHEREFORE, Defendant requests judgment in its favor and against Plaintiff.

Respectfully submitted,

PIETRAGALLO GORDON ALFANO
BOSICK & RASPANTI, LLP

Dated: September 30, 2022

/s/ Shelly R. Pagac
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